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May 15, 2006

By Electronic Filing and Hand Delivery


The Honorable Kent A. Jordan  
United States District Judge  
For the District of Delaware  
844 King Street  
Wilmington, DE 19801

**Re: In re TriCor Antitrust Litigation**  
**C.A. Nos. 05-340 (KAJ) and 05-360 (KAJ)**

Dear Judge Jordan:

Pursuant to Local Rule 7.1.2(c), we call to the Court's attention a case styled Morton Grove Pharmaceuticals, Inc. v. Par Pharmaceuticals Co., Inc., 2006 WL 850873 (N.D. Ill. March 28, 2006) (attached hereto) which was decided after the close of briefing and oral argument on defendants' Motion to Dismiss. Morton Grove supports plaintiffs' argument that Walker Process and PRE are alternative means of avoiding a defense of Noerr-Pennington Immunity and that a sham litigation claim can be based on a patent holder's enforcement of a patent that is subject to an inequitable conduct defense.

Respectfully,

  
Elizabeth M. McGeever  
(DE Bar ID No. 2057)

EMM/smc  
Enclosure

cc: Counsel on the Attached Service List

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